



UNITED STATES DEPARTMENT OF COMMERCE
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MAR 19 1998

Paper No. 10

In re Application of
Gary K. Michelson
Serial No. 08/484,928
Filed: June 7, 1995
For: FRUSTO-CONICAL
INTERBODY SPINAL
FUSION IMPLANTS

:
: DECISION ON PETITION
: REGARDING ABANDONMENT
:

Applicant's petition, filed on February 28, 1998, requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a timely response to the Office letter dated June 23, 1997.

The petition is GRANTED.

The petition alleges that a reply was in fact filed in the form of a petition for a three month extension of time, the fee therefor, and a responsive amendment. These allegations are supported by copies of the papers and a post card receipt for the papers bearing an Office mailroom dated stamp of December 19, 1997. An Information Disclosure Statement (IDS) and the fee therefor were also filed on that date, and copies have been provided. In addition, Office financial records show that the extension and IDS fees were in fact received.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the response filed on December 19, 1997.

PETITION GRANTED.

E. Rollins-Cross, Director
Patent Examining Group 3200

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